

BOIES, SCHILLER & FLEXNER LLP  
RICHARD J. POCKER (NV Bar No. 3568)  
300 South Fourth Street, Suite 800  
Las Vegas, NV 89101  
Telephone: (702) 382-7300  
Facsimile: (702) 382-2755  
rpocker@bsfllp.com

WILLIAM A. ISAACSON (*pro hac vice*)  
KAREN L. DUNN (*pro hac vice*)  
5301 Wisconsin Ave, NW  
Washington, DC 20015  
Telephone: (202) 237-2727  
Facsimile: (202) 237-6131  
wisaacson@bsfllp.com  
kdunn@bsfllp.com

STEVEN C. HOLTZMAN (*pro hac vice*)  
KIERAN P. RINGGENBERG (*pro hac vice*)  
1999 Harrison Street, Suite 900  
Oakland, CA 94612  
Telephone: (510) 874-1000  
Facsimile: (510) 874-1460  
sholtzman@bsfllp.com  
kringgenberg@bsfllp.com

MORGAN, LEWIS & BOCKIUS LLP  
THOMAS S. HIXSON (*pro hac vice*)  
KRISTEN A. PALUMBO (*pro hac vice*)  
One Market, Spear Street Tower  
San Francisco, CA 94105  
Telephone: 415.442.1000  
Facsimile: 415.442.1001  
thomas.hixson@morganlewis.com  
kristen.palumbo@morganlewis.com

ORACLE CORPORATION  
DORIAN DALEY (*pro hac vice*)  
DEBORAH K. MILLER (*pro hac vice*)  
JAMES C. MAROULIS (*pro hac vice*)  
500 Oracle Parkway, M/S 5op7  
Redwood City, CA 94070  
Telephone: 650.506.4846  
Facsimile: 650.506.7114  
dorian.daley@oracle.com  
deborah.miller@oracle.com  
jim.maroulis@oracle.com

Attorneys for Plaintiffs  
Oracle USA, Inc., Oracle America, Inc., and  
Oracle International Corp.

SHOOK, HARDY & BACON LLP  
B. TRENT WEBB (*pro hac vice*)  
PETER E. STRAND (*pro hac vice*)  
RYAN D. DYKAL (*pro hac vice*)  
2555 Grand Boulevard  
Kansas City, Missouri 64108-2613  
Telephone: (816) 474-6550  
Facsimile: (816) 421-5547  
bwebb@shb.com  
pstrand@shb.com  
rdykal@shb.com

ROBERT H. RECKERS (*pro hac vice*)  
600 Travis Street, Suite 3400  
Houston, Texas 77002  
Telephone: (713) 227-8008  
Facsimile: (713) 227-9508  
reckers@shb.com

GIBSON, DUNN & CRUTCHER LLP  
Mark A. Perry (*pro hac vice*)  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306  
Telephone: (202) 955-8500  
mperry@gibsondunn.com  
Blaine H. Evanson (*pro hac vice*)  
333 South Grand Avenue  
Los Angeles, CA 90071  
Telephone: (213) 229-7228  
bevanson@gibsondunn.com

LEWIS AND ROCA LLP  
W. WEST ALLEN (NV Bar No. 5566)  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169  
Telephone: (702) 949-8200  
Facsimile: (702) 949-8398  
WAllen@LRLaw.com

DANIEL B. WINSLOW  
RIMINI STREET, INC.  
6601 Koll Center Parkway Suite 300  
Pleasanton, CA 94566  
Telephone: (925) 264-7736  
dwinslow@riministreet.com

Attorneys for Defendants Rimini Street,  
Inc., and Seth Ravin

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ORACLE USA, INC., a Colorado corporation;  
ORACLE AMERICA, INC., a Delaware  
corporation; and ORACLE INTERNATIONAL  
CORPORATION, a California corporation,

Plaintiffs,  
v.

RIMINI STREET, INC., a Nevada corporation;  
SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**THE PARTIES' AGREED POSITION  
ON CERTAIN OBJECTIONS TO  
THE COURT'S PROPOSED JURY  
INSTRUCTIONS**

The Parties—Oracle USA, Inc., Oracle America, Inc., and Oracle International Corp. (collectively, “Oracle” or “Plaintiffs”) and Defendants Rimini Street, Inc. (“Rimini Street”) and Seth Ravin (“Ravin”) (together, “Rimini” or “Defendants”)—have worked together to narrow the issues for the Court’s attention concerning jury instructions.

*First*, the following changes that Defendants propose to the Court’s instructions are acceptable to Plaintiffs:

- Depositions in Lieu of Live Testimony: All proposed changes (“you” to “your”; additional comma);
- Expert Opinion (J-25): Proposed changes to the first paragraph *only* (Plaintiffs do not agree to Defendants’ proposed changes to the second paragraph);

- Inducing Breach of Contract and Intentional Interference Damages (P-29):  
Striking the final paragraph (regarding nominal damages). Plaintiffs do not agree to any of Defendants' other proposed changes to P-29.

The parties have included, as an attachment, a document showing the changes to the Court's proposed instructions on which the parties have agreed.

*Second*, because of the number of outstanding issues, the Parties have met and conferred concerning the instructions on which they propose to focus oral argument at the charging conference. Those instructions are:

1. The license instructions (D-8; Copyright—Express License);
2. The copyright damages instructions that would allow application of fair market value to PeopleSoft, JD Edwards, and Siebel (Copyright Damages—Introduction; Copyright Damages—Fair Market Value License);
3. The copyright lost profits—causation instruction (D-20);
4. The instructions on the elements of the inducing breach and tortious interference claims (D-23, D-24);
5. The statutory computer claims (P-29 to P-46);
6. Punitive damages (P-46);
7. Plaintiffs' requested instruction concerning CedarCrestone and TomorrowNow (Dkt. No. 810).

The Parties will, of course, be prepared to answer questions concerning any other instructions the Court would like to address.

Dated: October 4, 2015

GIBSON DUNN & CRUTCHER LLP

By: Blaine H. Evanson

Blaine H. Evanson  
Attorneys for Defendants  
Rimini Street, Inc. and  
Seth Ravin

BOIES, SCHILLER & FLEXNER LLP

By: Kieran P. Ringgenberg

Kieran P. Ringgenberg  
Attorneys for Plaintiffs  
Oracle USA, Inc.,  
Oracle America, Inc. and  
Oracle International Corporation

**ATTESTATION OF FILER**

The signatories to this document are Blaine H. Evanson and me, and I have obtained Mr. Evanson's concurrence to file this document on his behalf.

Dated: October 4, 2015	BOIES, SCHILLER & FLEXNER LLP  <u>By: Kieran P. Ringgenberg</u> Kieran P. Ringgenberg Attorneys for Plaintiffs Oracle USA, Inc., Oracle America, Inc. and Oracle International Corporation
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing THE PARTIES' AGREED & JOINTLY PROPOSED JURY INSTRUCTIONS was filed, on October 4, 2015, with the Court's CM/ECF system which will send notice, via email, to all attorneys registered with the CM/ECF system.

Dated: October 4, 2015	BOIES, SCHILLER & FLEXNER LLP  <u>By: Kieran P. Ringgenberg</u> Kieran P. Ringgenberg Attorneys for Plaintiffs Oracle USA, Inc., Oracle America, Inc. and Oracle International Corporation
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